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| 10/620,233      | 07/14/2003  | Patrick J. Kelly     | 55474/7             | 8520             |

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT PAPER NUMBER

3626

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/620,233

Applicant(s)

KELLY ET AL.

Examiner

Luke Gilligan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3626

Claims 1-20 have been examined.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al., U.S. Patent No. 6,389,454 (as cited in the IDS filed 9/16/04).

3. As per claim 1, Ralston teaches a method for health care screening, comprising: contacting a scheduling service (see column 4, lines 6-12); scheduling an MRI procedure via the scheduling service (see column 4, line 65 – column 5, line 5); determining if the MRI procedure can be authorized (see column 4, line 65 – column 5, line 5); and scheduling the MRI procedure (see column 6, lines 17-22); wherein the scheduling includes selecting a location and an unused time slot for the MRI procedure available between scheduled diagnostic MRI procedures at one of a predetermined set of existing procedure facilities affiliated with the scheduling service as a function of location and time parameters of a user and an availability of the predetermined set of procedure facilities (see column 5, lines 41-60).

4. Ralston does not explicitly teach that the MRI procedure is an “abbreviated MRI procedure designed for an asymptomatic individual.” However, it is respectfully submitted that abbreviated MRI procedures for asymptomatic individuals are old and well known in the art as evidenced by the Background of Applicants’ Specification (see page 1, second paragraph under Background Information). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate abbreviated MRI procedures designed for an asymptomatic

Art Unit: 3626

individuals as a scheduling option into the system of Ralston. One of ordinary skill in the art would have been motivated to incorporate such an option for the purpose of carrying out the objective of effectively and efficiently scheduling appointments with a variety of scheduling options (see column 2, lines 35-40 of Ralston).

5. As per claim 2, Ralston teaches the method of claim 1 as described above. Ralston does not explicitly teach the MRI procedure includes a T2 type MRI scan. However, the Examiner takes Official Notice that T2 type MRI scans are old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate T2 type MRI scans as a scheduling option into the system of Ralston. One of ordinary skill in the art would have been motivated to incorporate such an option for the purpose of carrying out the objective of effectively and efficiently scheduling appointments with a variety of scheduling options (see column 2, lines 35-40 of Ralston).

6. As per claim 3, Ralston teaches the method of claim 1 as described above. Ralston does not explicitly teach the MRI procedure is to be performed on a brain of the user of the scheduling service. However, the Examiner takes Official Notice that MRI procedures performed on the brain of a user are old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate MRI procedures performed on the brain of a user as a scheduling option into the system of Ralston. One of ordinary skill in the art would have been motivated to incorporate such an option for the purpose of carrying out the objective of effectively and efficiently scheduling appointments with a variety of scheduling options (see column 2, lines 35-40 of Ralston).

7. As per claim 4, Ralston teaches the method of claim 1 as described above. Ralston further teaches the contacting includes a computer network connection of the user to the scheduling service (see column 4, lines 35-44).

Art Unit: 3626

8. As per claim 5, Ralston teaches the method of claim 1 as described above. Ralston further teaches determining a result of the MRI procedure (see column 7, lines 2-7).

9. As per claim 6, Ralston teaches the method of claim 1 as described above. Ralston does not explicitly teach the result is determined by a radiologist associated with the procedure facility. However, the Examiner takes Official Notice that MRI procedure results determined by a radiologist are old and well known the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have results be determined by a radiologist. One of ordinary skill in the art would have been motivated to rely on such a professional for the result to facilitate the provision of services in an efficient, cost-effective manner (see column 2, lines 30-35).

10. As per claim 7, Ralston teaches the method of claim 6 as described above. Ralston further teaches storing the result by the scheduling service (see column 7, lines 2-7).

11. As per claim 8, Ralston teaches the method of claim 2 as described above. Ralston further teaches the predetermined set of existing procedure facilities includes a set of existing MRI facilities (see column 4, lines 12-13 and column 5, lines 2-5).

12. As per claim 9, Ralston teaches the method of claim 2 as described above. Ralston further teaches the contacting includes contacting the scheduling service via one of a computer network connection and a voice connection (see column 4, lines 36-44).

13. As per claim 10, Ralston teaches the method of claim 9 as described above. Ralston further teaches the computer network connection includes an Internet connection via a web browser (see column 4, lines 36-44).

14. Claims 13-15, and 18-20 recite substantially similar system and article of manufacture limitations to method claims 1-3 and 9-10 and, as such, are rejected for similar reasons as given above.

15. Claims 11-12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al., U.S. Patent No. 6,389,454 in view of Pinard et al., U.S. Patent No. 5,940,834.

16. As per claim 11, Ralston teaches the method of claim 10 as described above. Ralston does not explicitly teach the determining includes presenting at least one web page screen to the user requesting predetermined user personal and medical information. Pinard teaches a method for generating web pages that includes generating a web page for making reservations for facilities (see column 8, line 66 – column 9, line 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature into the system of Ralston. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of facilitating the provision of services in an efficient, cost-effective manner (see column 2, lines 30-35).

17. As per claim 12, Ralston teaches the method of claim 11 as described above. Ralston further teaches determining if the MRI procedure can be authorized is performed as a function of the user's predetermined personal and medical information (see column 5, lines 2-5).

18. Claims 16-17 recite substantially similar system limitations to method claims 11-12 and, as such, are rejected for similar reasons as given above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

Art Unit: 3626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/7/06

  
C. LUKE GILLIGAN  
PATENT EXAMINER